



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DfW 03-02

Paper No. 6

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
711 LOUISIANA
SUITE 1900 SOUTH
HOUSTON TX 77002

COPY MAILED

APR 08 2002

OFFICE OF PETITIONS

In re Application of :
Walter T. Burke :
Application No. 09/921,170 : DECISION GRANTING PETITION
Filed: 2 August, 2001 :
Att'y Docket No. H052586.0003US0 :

This is a decision on the petition filed on 4 February, 2002, requesting that the above-identified application be accorded a filing date of 2 August, 2001, with eight (8) sheets of drawings as a part of the original disclosure.

On 2 August, 2001, the application was filed.

On 15 November, 2001, Initial Patent Examination Division mailed a "Notice of Incomplete Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on 4 February, 2002 (certificate of mailing date 10 January, 2002) *inter alia*, the present petition, a \$130.00 petition fee, and four (4) sheets of drawings were filed.¹ Petitioner argues that "eight pages" of drawings were filed with the other application papers on 2 August, 2001, and that the drawings were misplaced in the U.S. Patent and Trademark Office

¹The petition was accompanied by four (4) sheets containing drawings on both sides of the paper. Petitioner is reminded that only one side of each sheet may be used for drawings. 37 CFR 1.84(e).

(Office). In support of the petition, a copy of petitioner's postcard receipt which shows an Office stamp of 2 August, 2001, and the above-identified application number, and acknowledges receipt of, *inter alia*, drawings (8 pgs.) was supplied with the present petition. Petitioner has also supplied four (4) sheets of drawings. Each sheet of drawings has been printed on both sides, however, and each side of each sheet has been numbered sequentially, for a total of eight (8) pages. Petitioner requests that the application, including the "eight (8) pages" of drawings, be accorded a filing date of 2 August, 2001.

Upon review of the record, no sheets of drawings deposited on 2 August, 2001, have been located among the application papers. However, the evidence is convincing that the application papers deposited on 8 August, 2001, included four sheets containing "eight (8) pages" of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the eight (8) pages of drawings, was complete on filing and entitled to a filing date of 2 August, 2001.

In view of the above, the petition is granted.

Petitioner is advised that only one side of each sheet may be used for drawings.² Petitioner must file corrected drawings in accordance with 37 CFR 1.84(e) when directed to do so.

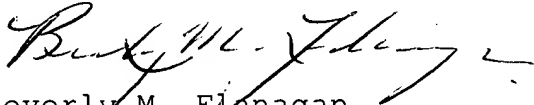
The application will be processed for scanning with each side of the four (4) sheets containing drawings treated, for filing date purposes, as a separate "sheet", for a total of eight (8) sheets.

The petition fee \$130.00 will be credited to counsel's deposit account, 16-2435.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 2 August, 2001, using the application papers filed on that date, and the four sheets of paper containing eight (8) sheets of drawings supplied on 8 January, 2002, and for an indication on the bib-data sheet that eight (8) sheets of drawings were present on filing.

²See 37 CFR 1.84(e).

Telephone inquiries specific to this matter should be directed to
Petitions Attorney Douglas I. Wood at 703 308-6918.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan", with a long horizontal flourish extending to the right.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy